

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

XR COMMUNICATIONS, LLC, dba  
VIVATO TECHNOLOGIES,

v.

AT&T SERVICES INC.; AT&T MOBILITY LLC;  
AND AT&T CORP.

Case No. 2:23-cv-00202-JRG-RSP

**LEAD CASE**

XR COMMUNICATIONS, LLC, dba  
VIVATO TECHNOLOGIES,

v.

VERIZON COMMUNICATIONS, INC.; CELLCO  
PARTNERSHIP D/B/A VERIZON WIRELESS

CASE NO. 2:23-cv-00203-JRG-RSP

**MEMBER CASE**

XR COMMUNICATIONS, LLC, dba  
VIVATO TECHNOLOGIES,

v.

T-MOBILE USA, INC.

CASE NO. 2:23-cv-00204-JRG-RSP

**MEMBER CASE**

**PLAINTIFF XR COMMUNICATIONS, LLC'S**

**UNOPPOSED MOTION FOR LEAVE TO AMEND INFRINGEMENT CONTENTIONS**

Pursuant to Patent Rule 3-6(b), to Plaintiff XR Communications, LLC, dba Vivato Technologies ("Vivato") respectfully requests leave to amend its Disclosure of Asserted Claims and Infringement Contentions by service on the Defendants on or before August 31, 2023.

Counsel for Plaintiff has conferred regarding the relief requested in this motion with counsel for the Defendants (AT&T Services, Inc., AT&T Mobility LLC, AT&T Corp., Verizon Communications, Inc., Cellco Partnership d/b/a Verizon Wireless, and T-Mobile USA, Inc., collectively the "Defendants"). Defendants do not oppose the relief sought herein.

Good cause exists for the Court to grant Plaintiff leave to amend its infringement contentions. On July 28, 2023, Plaintiff Vivato served its initial infringement contentions to Defendants. After serving those contentions, counsel for Defendants and counsel for Plaintiff met and conferred to discuss the infringement contentions and counsel for Defendants identified issues that Defendants contend need to be addressed in amended contentions. Plaintiff does not concede that Defendants are correct but agrees to amend the contentions to address concerns and reduce disputes. During the meet and confer, Defendants confirmed that they would not oppose Plaintiff serving amended infringement contentions, provided that they are served by August 31, 2023 and that the Court enters the parties' Proposed Docket Control Order permitting Defendants to serve their responsive invalidity contentions on October 12, 2023. The contemplated timing of the exchange of contentions will improve judicial efficiency because it will resolve possible disputes without burdening the Court.

Plaintiff Vivato accordingly moves for leave to amend its infringement contentions by August 31, 2023. Given the early stage of the case and the substance of the discussions in the meet and confer between counsel for Plaintiff and counsel for Defendants, the proposed amendment will cause no prejudice to Defendants, and Plaintiff's changes will not result in any added delay in this case. This proposed amendment does not seek to add any new asserted patents/claims.

Thus, Plaintiff Vivato respectfully requests that the Court grant this Motion providing leave for Plaintiff to serve its amended infringement contentions on or before August 31, 2023.

Dated: August 24, 2023

Respectfully submitted,

/s/ Reza Mirzaie

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***Counsel for Plaintiff XR Communications  
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**CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served on August 24, 2023, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail on this same date.

/s/ Reza Mirzaie

**CERTIFICATE OF CONFERENCE**

I hereby certify that counsel complied with the requirements of Eastern District of Texas Local Rule CV-7(h). Defendants do not oppose the relief requested in the Motion.

/s/ Reza Mirzaie